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Mexico Adjusts for Dry Bean and Lentil Shipments

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Report Highlights:

On March 22, 2013, the National Service of Health, Food Safety, and Food Quality (SENASICA) announced an updated optional procedure for reconditioning (cleaning and fumigating) shipments of dry beans and lentils imported to Mexico and found at the border by Mexican inspection officials to contain soil residue or in need of fumigation. Importers may elect to transport their shipments directly to an approved cleaning or fumigation facility in Mexico, including the importers own facility. Rather than being rejected at the border, this procedure allows dry beans and lentils to be cleaned at their final destination before being released into the commercial market, provided all criteria in the amended announcement is met. Importers are responsible for all charges related to the reconditioning.

Executive Summary: On March 22, 2013, the National Service of Health, Food Safety, and Food Quality (SENASICA) announced an updated optional procedure for reconditioning shipments of dry beans and lentils imported to Mexico and found at the border by Mexican inspection officials to contain soil residue or in need of fumigation. The announcement also states companies that currently perform dry bean and lentil reconditioning (cleaning/fumigation) conducted at the shipment's final destination in Mexico have 30 days from the date the announcement was published to request SENASICA officials examine the equipment and machinery used to recondition the dry bean and lentil shipments. SENASICA must approve a company's authority to recondition the commodity under the revised procedures.

General Information:

This report summarizes an announcement from the National Service of Health, Food Safety, and Food Quality (SENASICA) published on March 22, 2012 and applies only to dry beans and lentils. Under SENASICA's latest ruling, dry bean and lentil shipments found at border inspection points to require reconditioning may - rather than being rejected because of soil or other foreign matter - be allowed to proceed by rail directly to the point of final destination in Mexico where the reconditioning would take place. SENASICA's definition of reconditioning of dry beans and lentils, as it relates to this announcement, is for the purpose of eliminating soil residues or other foreign matter from the product by cleaning and/or disinfecting through fumigation.

Disclaimer: This summary is based on a cursory review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

Title: Procedure for the Processing of Dry Beans and Lentils at Destination Point

Important Dates

1. Publication Date: March 22, 2013
2. Effective Date: April 22, 2013 (thirty calendar days after publication)

Background:

Reportedly, since February 2012 SENASICA has been implementing an optional procedure to allow the reconditioning (cleaning) of dry bean and lentil shipments that are found by Phyto Inspection (DGIF) officials at Mexican border points of entry to contain soil residue contamination. According to Mexican officials, the revised procedure just announced on March 22, 2013, is intended as an option to allow dry bean and lentils imports to better match Mexico's increasing domestic demand for the legumes while still complying with the government's requirement of zero tolerance for soil and other foreign material in imported grain and legume shipments.

Due to the severe drought in 2011, which adversely impacted the domestic dry bean crop, Mexico had to increase substantially its dry bean imports in CY 2012 (see 2012 GAIN report [MX2018](#) "Prolonged Drought Devastates Grain and Feed Sector" and 2013 Gain Report [MX3024](#) "Favorable Growing Conditions for a Higher Corn, Wheat, and Dry Beans Forecast, Sorghum Mixed, Rice Down.")

As a result of this increase in dry bean imports, some U.S. exporters have voiced concerns about the rising number of rejections at the border due to soil contamination that ultimately resulted in extra costs for cleaning. Some U.S. shippers have claimed that their shipments were free of any soil matter but still required by DGIF inspectors to be cleaned. According to the Mexican Federal Plant Law, Mexico has zero-tolerance for soil found in imported shipments of dry beans, lentils or any other imported grain.

Earlier, SENASICA reportedly did not have other reconditioning options available at the time. Therefore, dry bean and lentil shipments found to have soil at the border were simply rejected.

After numerous consultations, SENASICA officials developed a plan to stop rejecting shipments at the border found to contain soil but rather allow importers and shippers the option, if they choose to elect, to let their shipments proceed by rail directly to an approved cleaning or fumigation facility in Mexico (including the importers own facility) and allow the dry beans or lentils cleaned at that location before releasing it into the commercial market. Importers are responsible for all charges related to the reconditioning requirement under this procedure.

According to SENSICA sources, the cleaning or reconditioning procedure needed to be updated because many traders complained that some dry bean importers were not conducting cleaning procedures properly, reportedly because of the extra expensive. As a result, some dry beans sold in Mexico City wholesale central market (Central de Abastos) continue to have soil pods, rocks and dirt despite the fact that they were supposedly reconditioned.

Important Provisions:

The revised notice states that this ruling applies only for the entry of dry bean and lentil grains to be processed at the point of final destination, with the purpose of eliminating soil residues (dirt) by cleaning, or fumigation, using Methyl bromide to a dose of 60gr/m³ exposed during 24 hours keeping the product at a temperature of 15°C.

1. General

1.1 The companies interested in performing the processing of the bean and lentil grains for consumption under this procedure, will have to prove that they have the facilities, equipment and adequate procedures to carry the cleaning of soil residues (dirt) in the beans and lentils as well as the handling and destruction of residues, to obtain the authorization of this Government Instance.

1.2 The companies interested in fumigating with Methyl Bromide the dry bean or lentil shipments, without the previous separation of soil (dirt), will have to comply with the established in subject of this procedure as a requirement to fumigate the full shipment at the destination, the grain must be packed in methyl bromide permeable packages in order to ensure the penetration and effectiveness of the fumigant.

1.3 The companies performing the cleaning of the imported bean and lentil grains to eliminate soil and the importing companies as well as the Verification Units, will assume their corresponding responsibility and obligation of verifying its compliance, including also the sanctions they could be incurring in case they fail to comply with the dispositions.

1.4 The present ruling will be applicable until the General Direction of Vegetable Health (DGSV)

determines it according to the phyto sanitary risk.

1.5 The authorizations granted under this procedure by the DGSV will be subject to be suspended because of cautionary, temporary causes or totally suspended if the interested party fails to comply with any of the parts of this ruling and/or the vegetable health applicable law as well as the extinction of the reasons that originated the application of this document.

1.6 In case of detecting any failure from the Verification Unit to comply with this ruling, the Verification Unit will be sanctioned according to the established in the vegetable health applicable legal dispositions.

1.7 The expenses generated by the application of this document will be covered by the interested party (i.e. importers)

2 Verification Unit's Responsibilities (VU)

2.1 Verify the arrival of the beans or lentils to the facilities where these will be cleaned or treated, verify that the seal straps are intact and that total amount of product is unloaded. If the straps sealed by the Ag and Livestock Health Office inspectors are broken because of the customs inspection, the VU must inform in the Guard, Custody and Responsibility Verification of Reception memo, attaching a copy of the inspection act from the corresponding instance. The VU must supervise that the recovery mechanisms of the grain and soil (dirt) spilled because of the unloading operations of the shipments are efficient.

2.2 In case there are broken straps, lack of straps or differences in the volumes arriving to the facilities where the beans or lentils will be treated in comparison with the volumes declared by the Office of Animal and Plant Health Inspection (OISA) at the point of entry, the VU must notify immediately to the interested party and to the DGSV in the format: "Dictamen de Verificacion de Recepcion de Productos y Subproductos de Origen Vegetal bajo GCyR" (Dictum of Verification of Vegetable Origin Products and Sub Products Reception Under Guard, Custody and Responsibility) (annex 2 of the GCyR ruling), in order to document the situation and take the necessary measures. In the meantime, the shipment's product will not be allowed to be processed.

2.3 Establish a task program in conjunction with the company in order to verify that the full amount of imported grain is cleaned and/or treated including the revision of documented evidence of the traceability systems of the company.

2.4 Verify that the authorized processing and methyl bromide companies comply with this procedure.

2.5 Verify through the random sampling and in time intervals defined according to the process, the effectiveness of the cleaning.

2.6 In the case that they failed to comply with this ruling or there was any inconvenience that keeps from complying fully with this procedure, the VU must present a written report to the DGSV and send the dictum. An original signed by the Verification Unit and through an email that must be sent to: supervision.gfsv@senasica.gob.mx

2.7 Present a written report per importation event (of each shipment) to the DGSV, describing the activities developed resulting from the performance of this procedure, considering the indicated in this procedure. This must be according to the time required since the arrival of the grain to the facilities of the company to the time spent in cleaning or treating the total volume of the imported grain.

3 Responsibilities of the Import Company

3.1 Inform the Agriculture and Livestock Health Inspection Office, the name and location of the authorized or certified company where the cleaning or treatment of the bean or lentil shipments will take place. Provide the VU with the necessary authorization to verify the compliance with the measures established in this procedure.

3.2 Cover the expenses generated by the application of this ruling.

3.3 Maintain a traceability system of the product from the point of entry to the country to its destination (beans or lentils cleaning or treating facilities), as well as the mechanisms of grain and soil (dirt) recovery if spilled because of the unloading and reloading operations before the arrival to the authorized company.

3.4 Be responsible to transfer the product directly from the point of entry to the cleaning or treating facilities. Any deviation or accident suffered by the mean of transportation must be notified to the DGSV. In the case of needing the application of additional phyto sanitary or emergency measures, the interested party commits to implement and pay for the cost of it.

3.5 Commit to clean or treat the total amount of the bean or lentil shipments imported under this ruling.

3.6 The company must to comply with the phyto sanitary measures determined by the DGSV, according to the terms and scope of paragraph 30 of the Vegetable Health Federal Law, so in the case there is proof that the mentioned merchandises do not comply with the corresponding phyto sanitary measures, these will be returned or destroyed at the expense of the interested party.

4 Responsibilities of the Bean or Lentil Cleaning or Treating Company

4.1 Present to the DGSV a written request of authorization to perform the cleaning or treating of the beans or lentils according to section II of this ruling.

4.2 Commit to use the services of a VU that will be in charge of verifying the processes, facilities and supervise that all of the grain imported under this ruling is cleaned in the DGSV authorized facilities and that the residues resulting from those processes are treated according to the established procedures in this ruling.

4.3 Allow free access to the facilities or warehouses to the Secretariat's official or approved personnel to execute the pertaining inspections and verifications at any time and place, in order to confirm the compliance with this procedure, based on the Vegetable Health Federal Law, paragraph 7, fractions I, XIII, XVIII and XIX, subjects 51, 52, 54 and 55.

4.4 Maintain a product traceability system from the entrance to the cleaning facilities. And the recovery mechanisms for spilled grains resulting from the unloading and reloading operations or resulting from a

container's spillage.

4.5 Commit to notify the DGSV any sign of the presence of quarantine plague inside or around the facilities. In case there is a confirmed presence of quarantine plague, the DGSV will dictate the corresponding phyto sanitary measures.

4.6 Provide the VU with the necessary ease to do its work.

4.7 Clean the equipment and machinery used before and after the cleaning of the grain.

4.8 Obey the dispositions made by the DGSV and the Secretariat of Agriculture's State Delegation in the state where the cleaning of the grain is taking place.

4.9 All the expenses resulted from the application and supervision of this procedure will be paid by the interested company according to the established in paragraph 91 of the Metrology and Norms Federal Law.

Author Defined:

For More Information:

FAS/Mexico Web Site: We are available at www.mexico-usda.com or visit the FAS headquarters' home page at www.fas.usda.gov for a complete selection of FAS worldwide agricultural reporting.

Other Relevant Reports Submitted by FAS/Mexico:

Report Number	Title of Report	Date Submitted
MX3024	“Favorable Growing Conditions for a Higher Corn, Wheat, and Dry Beans Forecast, Sorghum Mixed, Rice Down.”)	3/15/2013
MX3010	Grain Production Up Due to Good Weather Conditions	01/29/2013
MX2073	Grain and Feed Annual Report Update Mexico	10/26/2012
MX2054	Favorable Growing Conditions Higher Corn, Sorghum and Rice Forecast	07/30/2012
MX2023	Grain and Feed Annual Report Update	04/23/2012
MX2018	Prolonged Drought Devastated Grain and Feed Sector	03/30/2012
MX2008	Mexico Looks to Sources More Dry Beans	02/13/2012
MX2003	Mexico Looks to Increase Imports of Dry Beans	01/18/2012

Useful Mexican Web Sites: Mexico's equivalent to the U.S. Department of Agriculture (SAGARPA) can be found at www.sagarpa.gob.mx, equivalent to the U.S. Department of Commerce (SE) can be found at www.economia.gob.mx and equivalent to the U.S. Food and Drug Administration (SALUD) can be found at www.salud.gob.mx. These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with, the

information contained on the mentioned sites.